

## REMARKS

Claims 1-4 and 7 and 9-10 are pending.

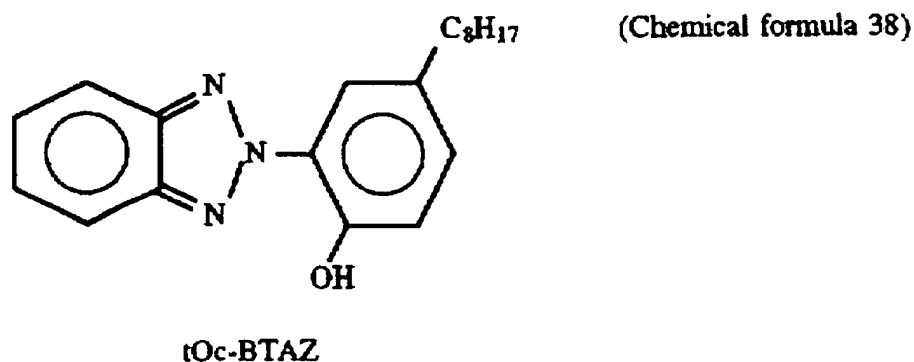
Claim 9 is allowed.

Claims 1-4, 7 and 10 are rejected.

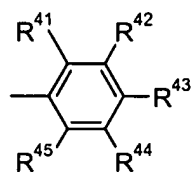
### **35 USC 102(b)**

**Claims 1-4, 7 and 10 are rejected under 35 USC 103(a) as being unpatentable over Sano et al., US 5,779,937.**

Examiner believes Sano to disclose an organic EL device comprising compound 38



Examiner believes compound 38 to read on the present claims when a=b=0 and the 2H-benzotriazole compound of formula II. Examiner, believes the reference reads on the present claims when Y<sup>3</sup> is



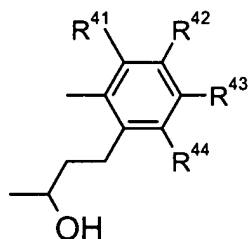
and R<sup>41</sup>, R<sup>43</sup>, R<sup>44</sup> are hydrogen; R<sup>42</sup> is C<sub>8</sub>H<sub>17</sub> and R<sup>45</sup> is -OH as defined by the present claims.

Applicants respectfully submit that the examiner is incorrect in her analysis. While  $R^{41}$ ,  $R^{43}$ ,  $R^{44}$  can be hydrogen and  $R^{42}$  can be  $C_8H_{17}$ ,  $R^{45}$  **CANNOT** be  $-OH$ .

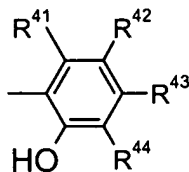
To clarify: The definitions of  $R^{41}$ ,  $R^{42}$ ,  $R^{43}$ ,  $R^{44}$  and  $R^{45}$  can be found on pages 5 and 6 of claim 1. The definitions are extensive but do NOT include substitution by  $-OH$ .

For example,  $C_1$ - $C_{24}$ alkyl may be optionally substituted by E and/or interrupted by D (see line 8-9 on page 5, claim 1) and there is the possibility of E being  $-OH$  (when E is  $-OR^{29}$  and  $R^{29}$  is H), this substitution refers only to substitution on the  $C_1$ - $C_{24}$  alkyl, not on the ring itself.

Thus while structure I is allowed, structure II is **not**



(I)



(II)

Thus there is **no overlap** between Sano and the present claims. As there is no overlap, there can be no anticipation and the above rejection is improper. As there has been no amendment and the outstanding rejection is overcome, the applicants submit that the present claims are ready for allowance.

There is no overlap in claim 10 as well for the same reasons above.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,

Shiela A. Loggins  
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